

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 MAY -5 PM 4: 03

ROBERT L. TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

MARK REED, FRED PARROTT, AND
TROY WINGO

Plaintiffs,

v.

No. 03-2849 B P

LEDIC MANAGEMENT CO. a/k/a
LEDIC MANAGEMENT GROUP,

Defendant.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT'S MOTION TO EXCEED
THE PAGE LIMITATION FOR SUMMARY JUDGMENT AS TO EACH PLAINTIFF

Before the Court is the April 20, 2005 motion to exceed the page limitation for summary judgment as to each plaintiff by the Defendant, LEDIC Management Co. A disposition on the merits of the motion is not warranted at this juncture, however, as the Defendant's filing is not in compliance with the Local Rules of this district. The Local Rules provide that motions must be accompanied by a certificate of consultation "affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion." LR7.2(a)(1)(B), Local Rules of the U.S. Dist. Ct. for the W. Dist. of Tenn. ("Local Rules"). The certificate of consultation

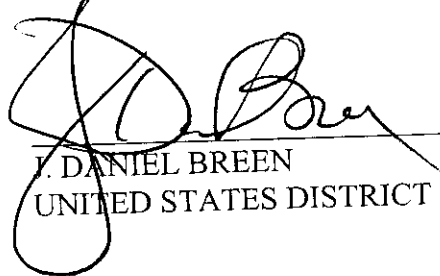
must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file a certificate to that effect, setting out counsel's efforts to comply with this rule.

LR7.2(a)(1)(B), Local Rules. In this case, there is no indication that counsel for the Defendant

conferred with opposing counsel on the matter which is the subject of the filing or that counsel made any attempt to do so. "Failure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." LR7.2(a)(1)(B), Local Rules. The Court further notes that the motion was not accompanied by a proposed order as required by the Local Rules. See LR7.2(a)(1)(A), Local Rules. Accordingly, as the Defendant's filing is procedurally defective, it is hereby DENIED without prejudice.

As provided by Local Rule 7.2(e), "[m]emoranda in support of or in opposition to motions shall not exceed twenty pages without prior court approval." LR7.2(e), Local Rules. Thus, the Clerk of Court is DIRECTED to strike the motions and accompanying memoranda exceeding the page limitation for summary judgment as to each of the Plaintiffs that was filed in conjunction with the Defendant's April 20, 2005 motion.

IT IS SO ORDERED this 5th day of May, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 89 in case 2:03-CV-02849 was distributed by fax, mail, or direct printing on May 6, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT